

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BREEANNE BUCKLEY PENI, Individually,
and on Behalf of All Others Similarly Situated,

Plaintiff,

Civil Action No.: 22-CV-05443
Honorable Denise Cote

v.

DAILY HARVEST, INC. and SECOND BITE
FOODS, INC. d/b/a “STONE GATE FOODS”,

Defendants.

**[PROPOSED] ORDER ESTABLISHING
THE PENI QUALIFIED SETTLEMENT FUND**

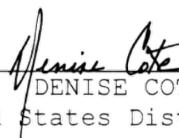
Upon the Consent Motion of the Settlement Administrator, not opposed by the Parties, this Court issues the following Order establishing the Peni Qualified Settlement Fund for the resolution of claims brought by the Settlement Class Members, respecting certain personal injuries, through their Counsel (the “Class Counsel”) against the Settling Defendants.

1. A Class Action Settlement Agreement (the “Agreement”) was executed to resolve claims brought by the Settlement Class Members against the Settling Defendants and was preliminarily approved by this Court on May 22, 2024.
2. The Court approves and hereby establishes the Peni Qualified Settlement Fund, to be a Qualified Settlement Fund for Federal tax purposes pursuant to Internal Revenue Code § 468B and Treas. Reg. § 1.468B-1 and to resolve all claims of the Settlement Class Members against the Settling Defendants.
3. The Settlement Administrator is granted authority to conduct all activities necessary to administer the Qualified Settlement Fund consistent with the parties’ settlement agreement, the Court’s order granting preliminary approval of the settlement, and any further orders of the Court.

4. Further the court retains personal jurisdiction over the QSF and the Claims Administrator until such time as the fund is exhausted pursuant to the parties' Settlement Agreement and the court discharges the Claim Administrator from his duties and responsibilities imposed by the Order appointing him.

IT IS SO ORDERED.

Dated: 05/30/2024



DENISE COTE
United States District Judge